

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207



April 24, 2006

Maria Masis
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

**Comments on Oak Tree Permit R2004-00412, North Corral Canyon Road,
unincorporated Malibu area**

Dear Ms. Masis:

The Santa Monica Mountains Conservancy (Conservancy) is the principal state agency charged with planning and conservation for the Santa Monica Mountains Zone and Rim of the Valley Corridor pursuant to Division 23 of the Public Resources Code. The applicant has repeated a pattern of perfecting access roads to distant parcels, with a corresponding piece-mealing of the analysis of the environmental impacts. The combination of this development pattern continuing in numerous other potential locations and the sensitivity of the Corral Canyon watershed warrant a preparation of an Environmental Impact Report (EIR), analyzing the potentially significant adverse environmental effects, including growth-inducing impacts. A Mitigated Negative Declaration (MND) is not adequate. We describe in more detail below the piece-mealing of the environmental analysis and cumulative effects of development in this area. This is repeated pattern of development has led to a break-down of the spirit and intent of the California Environmental Quality Act (CEQA) environmental review process. As the California Coastal Commission typically does not prepare additional EIRs or MNDs beyond those prepared by the County, now is the time to analyze the comprehensive impacts associated with the additional development that this project will facilitate.

Project Overview

According to the MND, the proposed project consists of development of a 4,132 square foot single family residence, garage, guest house, pool, water well, septic system, and widening of an existing dirt road. The Initial Study (IS, p. 7) states the proposed access road to the new residence is approximately 2,600 feet from Corral Canyon Road. The access road construction would result in the removal of five oaks and encroachment on 39 additional oaks. The access road and oak trees are located on Assessor's Parcel Numbers (APNs) 4461-004-009 and 017. The house would be located on APN 4461-004-007.

Significance of Project Area and Potential for Significant Environmental Impacts

The proposed project is located in one of the most ecologically and visually sensitive areas of the Santa Monica Mountains National Recreation Area. Is there a more sensitive place in the Santa Monica Mountains to put a road that would be more damaging? The project is located in the Corral Canyon Significant Watershed, which is a wildlife corridor and part of the core habitat of the Santa Monica Mountains. Extensive public parkland is located in the vicinity of the project and specifically abuts the property on two sides. The Conservancy's Corral Canyon Park is located downstream.

The Los Angeles County Environmental Review Board (ERB) found the project to be inconsistent with the Land Use Plan. According to the minutes of the ERB meeting (September 19, 2005), the project will contribute disproportionately to cumulative impacts in the watershed; it will potentially utilize over an acre of pavement for the access road. The minutes also state that construction and use of the road through this area will encourage the degradation of natural and visual resources and will divert important emergency services.

The IS states that fire clearance will likely remove up to five acres of vegetation. The project clearly has the potential for significant impacts through the total loss of vegetation due to brush clearance and the resulting nest of exotic weedy vegetation it would create in the heart of Corral Canyon. The IS also states that the building site is visible from public lands and that the house would be isolated and out-of-character with surrounding public lands. A drainage course is also located along the proposed road (IS, p. 6). The potential for growth-inducing and cumulative effects (see below) is another reason why an EIR is the appropriate environmental documentation for this project. Using earth-tone colors, non-glare windows, paying an oak woodland replacement fee, and the other related mitigation measures would not reduce the potential impacts to a less than significant level.

Overview of Piece-Mealing and Cumulative Impacts

This project is not just the development of a single family home; it facilitates development to hundreds of other acres of sensitive habitat. The project involves a minimum of two parcels directly, and will affect at least an additional four indirectly. The applicant has distributed maps showing potential building pad sites on all of these lots. There are many parcels in the Corral Canyon watershed, including the subject parcel, that are all tied to one property owner. These parcels are listed under various LLC ownerships.

This project will be growth-inducing because the current proposed road, once approved and built, will provide access to construct another house on APN 4461-004-009. The project may also be growth-inducing because the proposed road is part of a road that will be added onto in order to provide additional access to about 120 remaining acres to the northeast owned tied to the same applicant (under various ownerships). Thus, the access road that is needed for the additional 120 acres to the northeast will have been considered under three separate CEQA reviews, a clear example of piece-mealing of the environmental analysis. That is just to reach the 120 acres –not even to put the internal road network within that area.

Conservancy Cumulative and Growth-Inducing Impacts Projections Fulfilled

As background, the applicant associated with the LLCs for APNs 4457-006-001, 005, and 006 obtained a coastal development permit (CDP) for a resubdivision of three parcels and the development of one house. This access was through the same parcel as the subject parcel (APN 4461-004-009, the “Garrett residence” road). Therefore, the current proposed house will benefit from the approval of the first leg of the road already approved from Corral Canyon Road to APN 4461-004-009.

In the Conservancy’s April 11, 2005 letter to the California Coastal Commission for CDP No. 4-04-99 for one of those homes in the three-parcel redivision, the Conservancy recommended that the redivision, three homes, and road should be analyzed in one CEQA document. In the Conservancy’s July 11, 2005 letter on CDP Nos. 4-04-026 and 4-04-99 for the three-parcel redivision and the development of (only) one of the homes, the Conservancy requested evidence of access road easements on the property. We stated that the applicant owns (under various partnerships) approximately 160 acres contiguous and north of the proposed redivision, and that this access road was expected to provide access not just for potentially three houses but to many more parcels to the north. In the current application, this is precisely what is happening. Now that about 1,352 feet¹ have already been approved on APNs 4461-004-009 and 017, the applicant’s current project (the home on the approximately 40-acre APN 4461-004-007) benefits by only having to build part of the rest of the road.

Barring access through parkland, it is reasonable to assume that the applicant will access the remaining 120 acres to the northeast either through the subject project parcel (APN 4461-004-007) or through the parcels as part of the three-unit subdivision (APN 4457-006-

¹Based on California Coastal Commission staff report for Application Nos. 4-04-026 and 4-04-099 for hearing date 7/13-15/05.

001). This clearly points out the importance of analyzing anticipated growth-inducing impacts comprehensively in a CEQA document. The net adverse impacts of any two of these projects in this unique area is a significant ecological impact.

Santa Monica Mountains Conservancy Recommendations

We will continue to make the same recommendations for these types of developments by this applicant, as we have made in previous letters. Based on past patterns, we know the applicant will continue this pattern of piece-mealing the development, leading to significant adverse cumulative impacts in this significant watershed.

- 1) As we stated above, an EIR should be prepared for this project that analyzes the development of the road, the proposed home on APN 4461-004-007, as well as the home that is anticipated to be developed on APN 4461-004-009. The applicant should be required to submit evidence of access or road easements on the parcels of the current development. The EIR should also analyze the growth-inducing effects associated with the development of the additional 120 acres to the northeast (owned by LLCs associated with the applicant). We also cannot rule out the possibility that the applicant could also expand the development to his other ownerships totaling approximately 650 acres to the east and south throughout the Corral Canyon watershed. The EIR should analyze the feasibility of promoting access to the extensive ownerships of the various LLCs to the east and southeast.

The EIR should address potential significant water quality impacts. The CEQA document should address downstream impacts associated with the additional paving, grading, and vegetation removal associated with the proposed road, proposed house, and any additional development that may result from the facilitated access to additional parcels. The EIR should include the estimated amount of each plant community to be impacted for construction of the road and homes, including impacts from grading and fuel modification. The EIR should include a thorough alternatives analysis, that includes less damaging alternatives.

- 2) A conservation easement should be required over the open space areas on the subject parcel (APN 4461-004-007), excluding the grading footprint of the proposed home. This would serve to partially mitigate the significant visual and biological impacts associated with the project. The conditions must require that the applicant supply a metes and bounds description of these conservation easements to prevent any future disagreements regarding what activities are allowed in which areas. This

conservation easement should be made favor of a park and open space agency such as the Mountains Recreation and Conservation Authority, State Parks, or the National Park Service, and to the County of Los Angeles. Specifically this conservation easement should prohibit development, structures, roads, grading, mineral extraction, grazing, vineyards, corrals, agricultural operations, planting of non-native vegetation, fencing (other than used for habitat restoration), lighting, utilities, and brush clearance (other than what would be required for these three houses). Uses that should be allowed in this conservation easement include public trails (no greater than four-feet-wide) and habitat restoration.

- 3) If the growth-inducing impacts of the project are not analyzed, the County should require that a deed restriction be imposed such that future widening or expansion of the road, beyond the minimum necessary for the subject two houses (APNs 4461-004-007 and 009), is prohibited. The deed restriction over the road is necessary to prevent the possibility of expanding or widening the road in the future, which would result in piece-mealing of the analysis of environmental impacts. If the applicant or Commission staff states that this infeasible, the reason must be explicitly stated.
- 4) The County must add conditions prohibiting lighting and fencing along the access road. Fencing and lighting along the long access road proposed to be improved would likely hinder wildlife movement and must not be permitted. They are not part of the CEQA project description.

Given the amount of acreage, number of Assessor's parcels involved, and lots that the proposed road would provide access to, in addition to its excessive length and project location in an area of Statewide scenic and ecological significance, an EIR is the minimum necessary level of environmental review.

Thank you for your consideration of these comments. Please direct any questions and all future correspondence to Paul Edelman, Deputy Director for Natural Resources and Planning at the above address and by phone at (310) 589-3200, ext. 128.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson

cc: California Coastal Commission